GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:2594
ANSWERED ON:04.12.2007
RECOMMENDATION OF NHRC ON JAIL CONDITIONS
Chowdhury Shri Adhir Ranjan;Paraste Shri Dalpat Singh

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the National Human Rights Commission (NHRC) has expressed concern over the pathetic condition of women prisoners in various jails of the country;

(b) if so, the details and reaction of the Government in this regard;

(c) whether the NHRC has made any recommendation/observation on the security aspect and death of prisoners in various jails including Tihar Jail;

(d) if so, the details of recommendations thereof; and

(e) the steps taken/proposed to be taken to improve the condition of prisoners particularly women in various jails of the country?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MANIKRAO H. GAVIT)

(a) & (b): As reported by the National Human Rights Commission (NHRC), they are monitoring the condition of all the prisoners including women prisoners and infrastructure in jails all over the country. The members of the Commission visit the jail under the control of the State Governments, and make suitable recommendations to the State Governments. The State Governments send a compliance report to NHRC directly which are examined by the Commission and if necessary the commission issues further instructions/ directions to the State Governments.

The National Human Rights Commission has observed that there is an all round increase in the percentage of the undertrial prisoners. The NHRC has taken up the issue with the States and has also requested the Chief Justices of High Courts to give appropriate instruction to take necessary steps to resolve the acute problem of overcrowding in jails in the country.

(c) & (d): As reported by the National Human Rights Commission, an unusually large number of undertrial prisoners in jails have been considered as the main cause for deteriorating condition and their deaths in jails. The Commission has from time to time been addressing the Chief Justices of the High Courts with the request that the cases of undertrial prisoners and also a prisoner seeking premature release are expedited.

National Human Rights Commission has submitted its report on 7 deaths in Judicial custody in Tihar jail in May-June 2007 and made several recommendations regarding filing of FIRs to guilty officials, continuous monitoring of the jail authorities to prevent future mishaps, chronic patients should be given extra care, sensitization of the jail hospital doctors and the staff regarding human rights of the prisoner, disciplinary action against corrupt jail officials etc. Government of NCT of Delhi is taking appropriate action on the recommendations of the NHRC.

(e): To improve the condition of the prisoners, following measures have been taken by the Government of India:

(i) Model Prison Manual prepared by the Government of India has a specific chapter which deals with the issues relating to improving the condition of the women prisoners.

(ii) Financial assistance is being provided to the State Governments under the Scheme of Modernization of Prisons for construction of new prisons, repair and renovation of existing prisons and providing water and sanitation facilities in prisons to reduce overcrowding and improving the condition of prisoners.

(iii) A new section viz 436A of the Code of Criminal Procedure, 1973 has been inserted in the Code to provide that where an undertrial prisoner other than the one accused of an offence for which death has been prescribed as one of the punishments, has been under detention for a period extending to one-half of the maximum period of imprisonment, provided for the alleged offence, he should be released on his personal bond, with or without sureties. It also provides that in no case will an undertrial prisoner be detained beyond the maximum period of imprisonment for which he can be convicted for the alleged offence. Further, Section 436 (1) of the Code of Criminal Procedure, 1973 has also been amended to make a mandatory provision that if the arrested person is accused for a bailable offence and he is an indigent and cannot furnished surety, the Court shall release him on his execution of a bond without sureties.

(iv) The Government of India has introduced the system of plea bargaining in 2006 primarily to reduce pendency of cases in trial courts and overcrowding in prisons.

(v) For disposal of long pending sessions and other cases, the Government of India has also set up 1562 Fast Track Courts.